

ORDINANCE NO. 2166

INTRODUCED BY: Martinez

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE BRIGHTON MUNICIPAL CODE CHAPTER 17. **LAND USE AND DEVELOPMENT CODE**, AMENDING ARTICLE 17-20-30. **FENCE AND SIGHT TRIANGLES**; AMENDING ARTICLE 17-20-100. **SIGNS**; AMENDING ARTICLE 17-24. **PERFORMANCE STANDARDS** TO ADD A NEW SECTION, SECTION 17-24-100 TO BE TITLED, *TATTOO AND BODY PIERCING ESTABLISHMENTS*; AMENDING ARTICLE 17-32. **TABLE OF USES**; AND, SETTING FORTH DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, from time to time the Land Use and Development Code must be updated for the sake of efficiency and ease of use, in order to relate to present and future land uses; and

WHEREAS, the adoption of this ordinance complies with and shall facilitate the implementation of the Comprehensive Plan 2020;

WHEREAS, a notice of the public hearing was published in the *Brighton Standard Blade*, a legal newspaper of general circulation in the City of Brighton, on October 31, 2013; and

WHEREAS, the Planning Commission of the City of Brighton reviewed the proposed amendments and recommended adoption of the same by the City Council at the conclusion of a public hearing held on October 22, 2013;

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt the Municipal Code amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. **Article 17-20-30 Fence and Sight Triangles** of **Chapter 17** of the Brighton Municipal Code is hereby amended to read as follows:

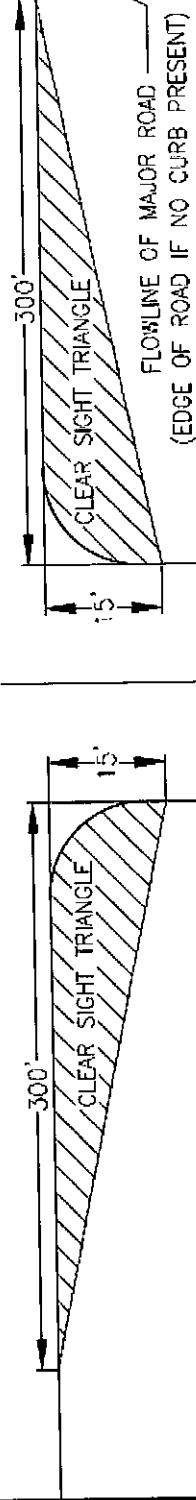
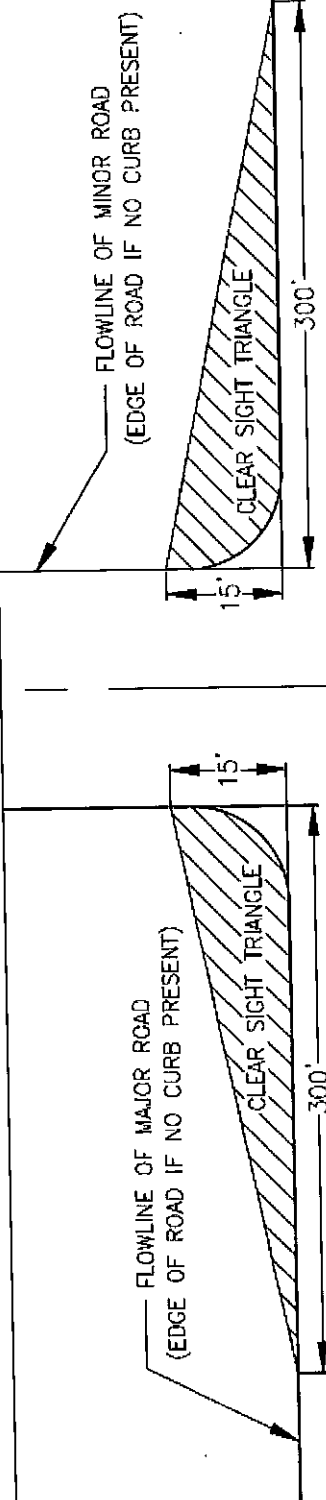
- (A) Article 17-20-30, **FENCE AND SIGHT TRIANGLES**, subsection (c) is hereby amended in its entirety to read as follows:

Sight Triangles. A sight triangle shall be preserved in the area formed at a corner intersection of: public right-of-way and high-density residential driveway; public right-of-way and commercial or industrial driveway; alley and public right-of-way; and the intersection of two (2) public rights-of-way. These sight triangle areas shall be free from shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than thirty-six (36) inches in height as measured from the traveled road surface (30" above the top of curb if curb is present), or suspended less than seven (7) feet above the surrounding grade. Sight triangles are measured from the point of intersection of the curb flowlines of the intersecting streets, drives or public rights-of-way as shown in Sight Triangle Chart A-1 and Sight Triangle Chart A-2. Where no curb exists, the measurement of the sight triangles shall be made from the intersection of the edge of the traveled way. Deviation of the sight triangle dimensions shall not be allowed

unless approved in writing by the City's Engineering Division or the Division's designated engineer.

(B) Article 17-20-30, **FENCES AND SIGHT TRIANGLES**, "Chart A" is hereby repealed and replaced in its entirety by "Chart A-1" and "Chart A-2" as follows:

SIGHT TRIANGLE CHART A-1



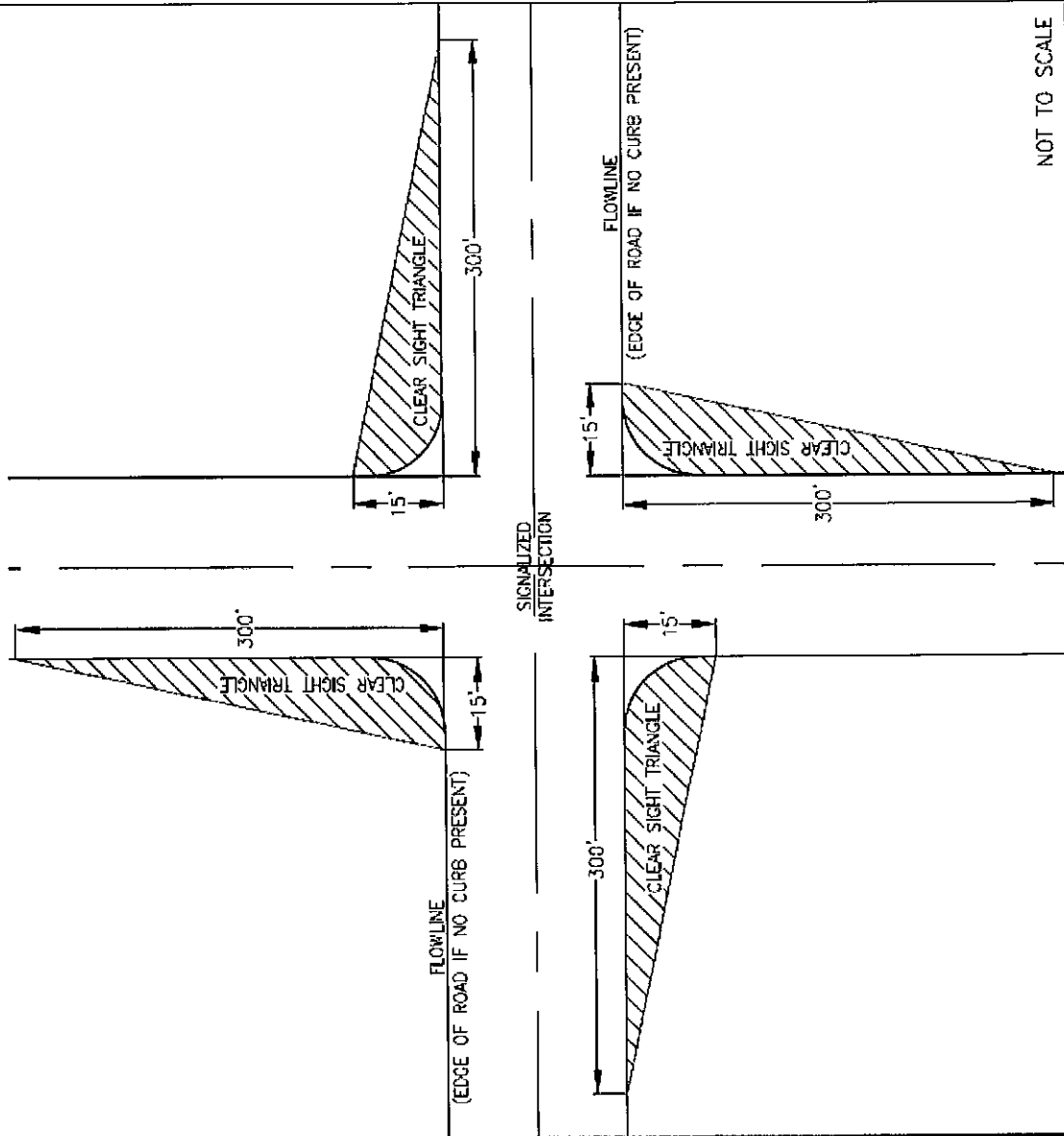
NOT TO SCALE

NOTE: Sight triangle shown shall be used when the minor road has a stop sign at the intersection with the major road. It shall also be used at high-density residential driveways, commercial driveways, industrial driveways, and other stop-controlled intersections. See Sight Triangle Chart A-2 for sight triangles at signalized intersections.

All objects located within the indicated clear sight triangle shall be no more than 36" tall as measured from the road surface; tree canopies encroaching in the clear sight triangle shall be no less than 7' above grade. Deviation from the sight triangle shown in these exhibits shall only be permitted if approved in writing by the City's Engineering Division.

DATE 10/7/2013
REVISED BY KJD

SIGHT TRIANGLE CHART A-2



NOTE: Sight triangle shown shall be used at signalized intersections. See Sight Triangle Chart A-1 for sight triangles at stop-controlled intersections and driveways.

All objects located within the indicated clear sight triangle shall be no more than 36" tall as measured from the road surface; tree canopies encroaching in the clear sight triangle shall be no less than 7' above grade. Deviation from the sight triangle shown in these exhibits shall only be permitted if approved in writing by the City's Engineering Division.

DATE: 2/25/2013
REVISED BY: K.D.

NOT TO SCALE

Section 2. Article 17-20-100 Signs of Chapter 17 of the Brighton Municipal Code is hereby amended to read as follows:

(A) Article 17-20-100, **SIGNS**, subsection (l), (3) is hereby amended in its entirety to read as follows:

(3) Freestanding or monument signs. No single property shall have any freestanding or monument sign located closer than two hundred fifty (250) feet from any other freestanding or monument sign on the same property.

(B) Article 17-20-100, **SIGNS**, subsection (p) is hereby amended in its entirety to read as follows:

(p) City-Owned or Licensed Sign Plaza Programs. To further the purposes of this Code, the City intends upon establishing certain signs and sign locations upon which private advertisements or directional information may be presented and maintained. These signs may be in the form of approved kiosk structures (sign plazas) whereon homebuilders, developers, businesses or similar entities may acquire regulated advertising or directional signage. The location, design, use, rental, maintenance and other criteria deemed necessary concerning each sign plaza shall be approved by the City Council in the form of a license agreement, or other agreement acceptable to the City Attorney, and shall be administered by the City Manager or his designee.

Section 3. Article 17-24, PERFORMANCE STANDARDS of Chapter 17 of the Brighton Municipal Code is hereby amended by the addition of a new section, 17-24-100 to be titled as, Tattoo and Body Piercing Establishments, and shall read as follows:

(A) Article 17-24-100, **TATTOO AND BODY PIERCING ESTABLISHMENTS**, shall read as follows:

- a) General Application. A tattoo and/or body piercing establishment shall be allowed as a use-by-right or conditional use, or not allowed in the zone districts as set forth in Article 17-32 of this Code. When reviewing an application for a tattoo and/or body piercing establishment, the following factors shall be considered:
 - 1) No establishment shall perform tattooing and/or body piercing services within the city unless the establishment has received a city license to operate.
 - 2) A separate and enclosed area, away from public view, shall be established within the business for tattooing and/or body piercing on or near the male or female genitals. At no time shall tattooing and/or body piercing procedures be performed within public view that exposes male or female genitalia.
 - 3) The establishment shall comply at all times with the Colorado Department of Public Health and Environment State Board of Health Rules and Regulations for Body Art Establishments and the Colorado House Bill 00-1246 also known as the "Body Art Act", as the same may be amended from time to time.
 - 4) Client consent forms, explanation of risks and outcomes, and after care

instructions shall be available in both English and Spanish.

- 5) In zone districts in which a tattoo and/or body piercing establishment is classified as a conditional use, the City Council shall consider the criteria as set forth in Paragraph 17-8-60(2) of this Code.

Section 4. Article 17-32, TABLE OF USES of Chapter 17 of the Brighton Municipal Code is hereby amended to allow "Tattoo and/or Body Piercing Establishment" as a Use-By-Right in the DT (Downtown), MU-CC (Mixed Use Commercial Center), MU-R/EC (Mixed Use Regional/Employment Center), C-2 (Restricted Retail and Service), C-3 (General Retail and Service) and I-1 (Light Industrial) zone districts; and to allow a "Live/Work" dwelling unit as a Use-By-Right in the S4CR (South 4th Avenue Corridor) and S4GW (South 4th Avenue Gateway) zone districts as follows:

SEE INSERT (next one page)

Section 5. Purpose. The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

Section 6. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance

Section 7. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

Section 9. Certification. The City Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Land Use and Development Code available for inspection by the public during regular business hours.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 3rd DAY OF December, 2013.

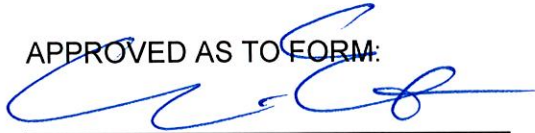
CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

APPROVED AS TO FORM:


Margaret R. Brubaker, City Attorney

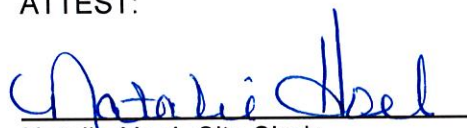
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PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE
ONLY THIS 17th DAY OF December, 2013.

CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

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